

[No Minutes Were Generated on Friday, June 30, 2000.]

1181

**SUPREME COURT MINUTES
MONDAY, JULY 3, 2000
SAN FRANCISCO, CALIFORNIA**

S008840 The People, Plaintiff and Respondent,
 v.
 Herbert James Coddington, Defendant and Appellant.
 The judgment is affirmed in its entirety.

Baxter, J.

We Concur:
George, C.J.
Werdegar, J.
Chin, J.
Brown, J.

Dissenting Opinion by Mosk, J.

I Concur:
Kennard, J.

S009108 People, Respondent
 v.

Ronaldo Medrano Ayala, Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including September 9, 2000, or the date upon which a rehearing is either granted or denied, whichever occurs first.

S077461 Kajima/Ray Wilson, Respondent

v.

Los Angeles County Metropolitan Transportation Authority,
Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including September 11, 2000, or the date upon which a rehearing is either granted or denied, whichever occurs first.

S069354 People, Respondent

v.

Louis Lasko, Appellant

The finality of this court's decision in the above-entitled appeal is hereby extended to and including August 1, 2000, or pending further order of the court.

4th Dist. Northrup Grumman Corporation, Petitioner

G026674 v.

G027043 Orange County Superior Court, Respondent

Div. 3 Fokker Aircraft B.V., Real Party in Interest

S088119 The order filed on June 2, 2000, is hereby modified to include both of the above-captioned Court of Appeal case numbers.

3rd Dist. People, Respondent

C031743 v.

C032309 Lamar Karche Addison, Appellant

The time for granting or denying review on the court's own motion is hereby extended to and including August 20, 2000, or the date upon which review is either granted or denied. Rule 28(a)(1), California Rules of Court.

5th Dist. People, Respondent

F031462 v.

Michael Lonny Bones, Appellant

The time for granting or denying review on the court's own motion is hereby extended to and including August 10, 2000, or the date upon which review is either granted or denied. Rule 28(a)(1), California Rules of Court.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

A086578/S088114 People v. Shawn Michael Perez – August 3, 2000.

B134820/S088091 People v. Linda Masloski – August 2, 2000.

B136531/S088120 Guess Inc. v. Los Angeles County Superior Court; Kyle Kirkland et al. – August 3, 2000.

B137995/S088314 Valley Presbyterian Hospital v. Los Angeles County Superior Court; Cynthia Homel, RPI – August 7, 2000.

C030093/S088108 People v. Thomas John Smithson – August 3, 2000.

E021081/S088085 Arthur R. Allen et al. v. Liquid Air Corporation – August 2, 2000.

E025034/S088115 Estate of McBroom; Martin McBroom v. Helen Immelt – August 3, 2000.

H020231/S088072 In re Jeffrey H.; People v. Jeffrey H. – August 2, 2000.

S009038 People, Respondent
v.

Richard Turner, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including August 14, 2000.

S009169 People, Respondent
v.

Martin James Kipp, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including September 5, 2000.

No further extensions of time are contemplated.

- S011960 People, Respondent
 v.
 Cynthia Lynn Coffman and James Gregory Marlow, Appellants
 On application of appellant Cynthia Lynn Coffman and good
 cause appearing, it is ordered that the time to serve and file
 appellant's reply brief is extended to and including July 26, 2000.
- S012943 People, Respondent
 v.
 David Allen Rundle, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's opening brief is
 extended to and including August 28, 2000.
- S016081 People, Respondent
 v.
 Maureen McDermott, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's reply brief is
 extended to and including July 26, 2000.
 No further extensions of time are contemplated.
- S018637 People, Respondent
 v.
 Jackie Ray Hovarter, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's opening brief is
 extended to and including July 27, 2000.
- S018909 People, Respondent
 v.
 Robert Young, Appellant
 On application of appellant and good cause appearing, it is
 ordered that the time to serve and file appellant's opening brief is
 extended to and including August 29, 2000.

S020244 People, Respondent

v.

Jesus Ciane Hernandez, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including July 31, 2000.

S024642 People, Respondent

v.

Michael Ray Burgener, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including July 27, 2000.

No further extensions of time will be granted.

S024645 People, Respondent

v.

Omar Dent, III, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including September 1, 2000.

S024833 People, Respondent

v.

Richard Wade Farley, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including July 17, 2000.

S029476 People, Respondent

v.

Richard Delmer Boyer, Appellant

Appellant's application for leave to file appellant's opening brief in excess of 280 pages is granted.

S031641 People, Respondent

v.

Gregory O. Tate, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including August 29, 2000, to request correction of the record on appeal. Counsel for

appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions will be granted except upon a particularized showing of extraordinary circumstances constituting good cause. Such extraordinary circumstances shall not be deemed to include schedule or workload conflicts within the office of the State Public Defender.

S032509 People, Respondent

v.

Erik Sanford Chatman, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including September 11, 2000.

S033440 People, Respondent

v.

Vicente Figueroa Benavides, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including August 25, 2000.

S035769 People, Respondent

v.

James Matthew Heard, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including August 22, 2000.

S041630 People, Respondent

v.

Phillip Carl Jablonski, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 1, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S049626 People, Respondent

v.

Stephen Edward Hajek and Loi Tan Vo, Appellants

On application of appellant Stephen Edward Hajek and good cause appearing, it is ordered that the appellant is granted to and including August 29, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time will be granted.

S056842 People, Respondent

v.

John Alexander Riccardi, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including August 25, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S056997 People, Respondent

v.

Michael McCrea Whisenhunt, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including September 5, 2000, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S081408 In re Jack Gus Farnam

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including August 21, 2000.

S083668 In re Khalif Lateef
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including August 14, 2000.

S085213 In re Arturo D., a Person Coming Under the Juvenile Court Law

People, Respondent

v.

Arturo D., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to and including July 29, 2000.

S086072 In re Reynaldo Morales
 on
 Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's informal response is extended to and including July 21, 2000.

S086128 People, Appellant
 v.
 Ronald Stacy Bunn, Respondent

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's opening brief on the merits is extended to and including July 24, 2000.

S086518 Dart Industries, Incorporated, Respondent
 v.

Commercial Union Insurance Company, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's opening brief on the merits is extended to and including July 21, 2000.

S086569 In re Marlin Jones, Jr.
 on
 Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including August 4, 2000.

S087265 Conservatorship of the Person of Robert Wendland, Appellant

Rose Wendland, Appellant

v.

Florence Wendland et al., Respondents

On application of respondents, the application for extension of time to file respondents' opening brief on the merits is hereby DENIED.

S083916 Stanley Swenson, Jr., Respondent

v.

County of Los Angeles, Appellant

On application of amicus curiae Sixty-Seven California Cities and Fifty-Eight Counties and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of appellant herein is extended to and including July 5, 2000.

S083916 Stanley Swenson, Jr., Respondent

v.

County of Los Angeles, Appellant

The application of California Employment Law Council for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S014497 People, Respondent

v.

Dennis Harold Lawley, Appellant

The request of appellant for permission to file appellant's supplemental opening brief is granted.

Adm. Order 2000-2 Order Adopting Amendments to Rule 961 of the California Rules of Court and Implementing Business and Professions Code Section 6079.1, Subdivision (a) (*Obrien v. Jones* (2000) 23 Cal.4th 40, 59-63)

Amendments to rule 961 of the California Rules of Court, regarding State Bar Court judges, as set forth in the attachment hereto, are hereby adopted. The amendments to rule 961 shall become effective July 1, 2000.

Business and Professions Code section 6079.1, subdivision (a), operative November 1, 2000, provides that this court shall appoint two State Bar Court hearing judges, and that the Governor, the Senate Committee on Rules, and the Speaker of the Assembly each shall appoint one hearing judge. Presently three hearing judges sit in Los Angeles and two sit in San Francisco. The terms of two Los Angeles hearing judges and one San Francisco hearing judge expire on November 1, 2000. No statute or other provision specifies which appointing authorities shall appoint judges for these positions.

Therefore, pursuant to this court's inherent authority over the admission and discipline of attorneys, and rule 961(c) of the California Rules of Court, we hereby implement Business and Professions Code section 6079.1, subdivision (a), as follows.

The appointments for the positions of the three hearing judges whose terms expire on November 1, 2000, shall be made by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly. The appointees of the Governor and the Speaker of the Assembly shall serve in Los Angeles, and the appointee of the Senate Committee on Rules shall serve in San Francisco. In order to obtain the significant benefits of staggered terms, the appointees of the Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall be appointed to initial terms of six, four, and two years, respectively. Upon the expiration of these terms, appointees or reappointees to these positions shall be appointed by the respective appointing authority to full six-year terms.

The terms of the Supreme Court appointees to the State Bar Court similarly shall be staggered. The current term of the Presiding Judge of the State Bar Court expires on November 1, 2001, and the Supreme Court's next appointee or reappointee to that position shall serve an initial term of five years, expiring on November 1, 2006. The current terms of the two other Review Department judges expire on November 1, 2000. The court's next appointee or reappointee to the position that is now held by an attorney review judge shall serve

an initial term of four years, expiring on November 1, 2004. The court's appointee to the position that is now held by the lay review judge shall serve an initial term of two years, expiring on November 1, 2002. The current terms of the two hearing judges whose positions will be filled by the Supreme Court expire on November 1, 2001. The court's next appointee or reappointee to the hearing judge position in San Francisco shall serve an initial term of five years, expiring on November 1, 2006. The court's next appointee or reappointee to the hearing judge position in Los Angeles shall serve an initial term of three years, expiring on November 1, 2004. Upon the expiration of these terms, Supreme Court appointees or reappointees to all of these positions shall be appointed by the Supreme Court to full six-year terms.

All applicants for any appointive position as a State Bar Court judge shall submit an application to the Applicant Evaluation and Nomination Committee created pursuant to rule 961, and the committee shall screen, evaluate, and rate all such applicants after considering the factors set forth in Business and Professions Code section 6079.1, subdivision (b), Government Code section 12011.5, subdivision (d), and rule 961(b)(3). The committee shall notify potential applicants of vacancies occurring on November 1, 2000, no later than July 15, 2000. The committee shall submit the materials specified in rule 961(b) to this court and, as applicable, to nonjudicial appointing authorities no later than October 1, 2000. In the event the Governor, the Senate Committee on Rules, or the Speaker of the Assembly wishes to seek reconsideration of a finding by the committee that a particular applicant is unqualified, a request for reconsideration may be filed with this court no later than October 6, 2000. Only applicants found qualified by the committee or by this court, in light of the factors specified in the provisions referred to above, may be appointed to a position as a State Bar Court judge.

RULE 961. STATE BAR COURT JUDGES

(a) [Applicant Evaluation and Nomination Committee]

(1) The Supreme Court shall create an Applicant Evaluation and Nomination Committee (committee) to solicit, receive, screen and evaluate all applications for appointment and/or reappointment to any appointive position of judge of the State Bar Court (hearing judge, presiding judge, and review department judge, ~~and lay judge of the Review Department~~). The committee, which shall serve at the pleasure of the Supreme Court, shall consist of seven members

appointed by the court of whom four shall be members of the State Bar in good standing, two shall be retired or active judicial officers, and one shall be a public member who has never been a member of the State Bar or admitted to practice before any court in the United States. Two members of the committee shall be present members of the Board of Governors of the State Bar (neither of whom shall be from the Board's Discipline Committee).

(2) The committee shall adopt, and implement upon approval by the Supreme Court, procedures for: (a) timely notice to potential applicants of vacancies, ~~which, in the case of anticipated vacancies, shall mean notice shall be given no less than nine months before the expiration of the term;~~ (b) receipt of applications for appointments to those positions from both incumbents and other qualified persons; (c) soliciting and receiving public comment; (d) evaluation and rating of applicants; and (e) transmittal of ~~its recommendations~~ the materials specified in rule 961(b) to the Supreme Court and, as applicable, other appointing authorities. The procedures adopted by the committee shall include provisions to ensure confidentiality comparable to those followed by the commission established pursuant to Government Code section 12011.5 [Judicial Nominees Evaluation Commission].

(3) The Board of Governors of the State Bar, in consultation with the Supreme Court if necessary, shall provide facilities and support staff needed by the committee to carry out its obligations under this rule.

(b) [Evaluations and recommendations]

(1) With regard to applicants seeking positions appointed by the Supreme Court, the committee shall evaluate the qualifications of and rate all applicants and shall submit to the Supreme Court the nominations of at least three qualified candidates for each vacancy. The committee shall report in confidence to the Supreme Court its evaluation and rating of applicants recommended for appointment, and the reasons therefor, including a succinct summary of their qualifications, at a time to be designated by the Supreme Court. The report shall include written comment received by the committee, which shall be transmitted to the Supreme Court together with the nominations.

(2) With regard to applicants seeking positions appointed by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the committee shall evaluate the qualifications of and rate all applicants and shall submit in confidence to the Supreme Court

and, as applicable, to other appointing authorities all applications for such positions together with the committee's evaluation and rating of these applicants, including any written comments received by the committee, at a time to be designated by the Supreme Court.

(3) In determining the qualifications of an applicant for appointment or reappointment the committee shall consider, among other appropriate factors, the following: industry, legal and judicial experience (including prior service as a judge of the State Bar Court), judicial temperament, honesty, objectivity, community respect, integrity, and ability. Any evaluation or rating of an applicant and Any recommendation for appointment or reappointment by the committee shall be made in conformity with subdivision (b) of Business and Professions Code section 6079.1 and in light of the factors specified in Government Code section 12011.5, subdivision (d), and those specified in this subdivision.

~~(3) The committee shall report in confidence to the Supreme Court its evaluation and rating of applicants recommended for appointment, and the reasons therefor, including a succinct summary of their qualifications, at least one hundred twenty days before a vacancy occurring on the expiration of an incumbent judge's term, or, in the case of an unanticipated vacancy, within ninety days after receipt of the last timely application. The report shall include written comment received by the committee which shall be transmitted to the Supreme Court, together with the nominations.~~

(4) Upon transmittal of its report to the Supreme Court, the committee shall notify any incumbent who has applied for reappointment by the Supreme Court if he or she is or is not among the applicants recommended for appointment to the new term by the committee. The ~~Supreme Court~~ applicable appointing authority shall notify as soon as possible an incumbent who has applied for reappointment but is not selected ~~as soon as possible~~.

(c) [Appointments] Only applicants found to be qualified by the committee or by the Supreme Court may be appointed. Upon the request of the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, the Supreme Court will reconsider a finding by the committee that a particular applicant is not qualified. The Supreme Court shall make such orders as to the appointment of applicants as it deems appropriate, including extending the term of incumbent judges pending such order or providing for staggered terms.

(d) [Discipline for misconduct or disability] A judge of the

State Bar Court is subject to discipline or retirement on the same grounds as a judge of a court of this state. Complaints concerning the conduct of a judge of the State Bar Court shall be addressed to the Executive Director-Chief Counsel of the Commission on Judicial Performance, who is hereby designated as the Supreme Court's investigator for the purpose of evaluating those complaints, conducting any necessary further investigation, and determining whether formal proceedings should be instituted. If there is reasonable cause to institute formal proceedings, the investigator shall notify the Supreme Court of that fact and shall serve as or appoint the examiner and make other appointments and arrangements necessary for the hearing. The Supreme Court shall then appoint one or more active or retired judges of superior courts or Courts of Appeal as its special masters to hear the complaint and the results of the investigation, and to report to the Supreme Court on the masters' findings, conclusions, and recommendations as to discipline. The procedures of the Commission on Judicial Performance shall be followed by the investigator and special masters, to the extent feasible. Procedure in the Supreme Court after a discipline recommendation is filed shall, to the extent feasible, be the same as is followed when a ~~recommendation~~ determination of the Commission on Judicial Performance is filed.

Bar
Misc.
4186

In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(Two Motions With List of Names Attached to Original Order)

S047539

In the Matter of the Suspension of Attorneys
For Nonpayment of Dues

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on July 14, 1995, effective July 31, 1995, be amended *nunc pro tunc* to strike the name of John F. Duffy.